



# Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811

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[www.berlinmd.gov](http://www.berlinmd.gov)



## Mayor

Wm. Gee Williams, III

## Vice President

Elroy Brittingham, Sr.

## Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

## BERLIN, MARYLAND

## MAYOR AND COUNCIL MEETING

## Town Attorney

David Gaskill

**MONDAY, APRIL 11, 2011**

## Town Administrator

Anthony J. Carson, Jr.

**COUNCIL CHAMBERS – BERLIN TOWN HALL**

**10 WILLIAM STREET**

**BERLIN, MD 21811**

EXECUTIVE SESSION .....NONE SCHEDULED

REGULAR SESSION .....7:00 PM

*Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144*

*TTY users dial 7-1-1 in the State of Maryland*

*TTY users outside Maryland dial 1-800-735-2258*

**BERLIN MAYOR AND COUNCIL  
COUNCIL MEETING  
AGENDA  
Monday, April 11, 2011**

**EXECUTIVE SESSION – NONE SCHEDULED**

**7:00 PM      REGULAR SESSION – Berlin Town Hall Council Chambers**

1.    Approval of the Minutes for:  
     Executive Session of the Mayor and Council on March 28, 2011  
     Executive Session of the Mayor and Council on March 29, 2011  
     Statement of Closures of Mayor and Council on March 28 and March 29, 2011  
     Regular Session of the Mayor and Council on March 28, 2011
2.    Proclamation 2011-08  
     A Proclamation recognizing April 16, 2011 as Healthcare Decisions Day
3.    Diakonia – Claudia Nagle & Joel Todd
4.    Small Miracles Foundation – Request for Waiver of fees
5.    Request for Special Event – May Day Play Day (Michael Day)  
     May 13
6.    Request for Special Event – Youth Day in the Park (Nick Johnson)  
     May 28<sup>th</sup> & 29<sup>th</sup> Henry Park
7.    Request for Special Event – Memorial Day (Sonny Adkins)  
     May 29<sup>th</sup> at 8:00 a.m. at Veterans Memorial on Main Street
8.    Request for Special Events (Lisa Long)  
     Expect a Miracle 5K Run, Saturday, October 22, 2011  
     Reindeer 5K Run, Saturday, December 17, 2011
9.    Request for 2 additional EDU's - 104 Pitts Street
10.   Appointments – Boards and Commissions
11.   Review and Discussion – Profit & Loss Statements, Balance Sheets (Lynn Musgrave) Hard Copied Separately

12. Departmental Reports
  - a. Finance
  - b. Deputy Town Administrator
  - c. Public Works
  - d. Water Resources
  - e. Electric
  - f. Police
  - g. Planning and Zoning
  - h. Human Resources
  - i. Economic and Community Development
13. Town Administrator's Report
14. Comments from the Mayor
15. Comments from the Council
16. Comments from the Public
17. Comments from the Press
18. Adjournment

MAYOR AND COUNCIL OF BERLIN, MARYLAND  
Regular Session Council Minutes  
Monday, March 28, 2011

The meeting of the Mayor and Council for Monday, March 28, 2011 was called to order by Mayor Williams at approximately 7:08p.m. Council Members Lynch, Purnell, Hall, Brittingham and Burrell were present, as well as Town Administrator Tony Carson, Water Resources Director Jane Kreiter, Electric Utility Director Tim Lawrence, Police Chief Arnold Downing, Planning and Zoning Director Chuck Ward, Administrative Assistant Sharon Timmons, Deputy Town Administrator Mary Bohlen, Human Resources Director Jeff Fleetwood, Economic and Community Development Director Michael Day, Finance Director Lynn Musgrave, Public Works Director Mike Gibbons and Town Attorney David Gaskill.

Following the recitation of the Lord's Prayer and the Pledge of Allegiance, Mayor Williams asked for approval of the Executive Session Minutes of March 14, 2011. Councilmember Brittingham made a motion to approve the minutes and council voted unanimously to approve 5-0. Mayor Williams stated that the Executive Session was closed to discuss the negotiation of a contract. Mayor Williams asked for a motion to approve the Regular Session minutes of March 14, 2011. Councilmember Lynch noted that there was an additional "in" on page 2 regarding the department report given by Chuck Ward. Councilmember Lynch made a motion to approve the minutes with the correction and council voted unanimously to approve 5-0.

Mr. Jesse Turner came before the council requesting approval for the event known as the Memorial Day Parade to be held on May 30<sup>th</sup> at Flower Street with a parade starting at 9:00 a.m. to 10:00 a.m. Mr. Turner explained the various vendors and events that would be present at the Multipurpose Building. He then proceeded to make his request for use of porta potties, trash cans, barricades, electric panels and the stage. Councilmember Brittingham made a motion to approve the event and council voted unanimously to approve 5-0.

Mayor Williams announced the Public Hearing for Ordinance 2011-01, an ordinance repealing Chapter 25, titled Utility Commission, in its entirety. Mayor Williams gave a brief background on the Ordinance and the reasons for disbandment. He then called to order the Public Hearing and asked if anyone from the State or County wished to make any comments. There being none, he asked if anyone from the public wished to make comments. BUC Chairman Erik Quisgard came forth and stated that he disagreed with the disbanding and reasons for conflict. He continued in saying that the Utilities Commission had felt it was important to be involved in all parts of the utilities, not just selected portions and felt that this was the reasoning behind the conflict. Mayor Williams thanked Mr. Quisgard for the job that he and the Commission had done. There being no other comments from the public, Mayor Williams closed the Public Hearing and asked the council if they had any comments. Mayor Williams stated that he had to be persuaded over time regarding disbanding the BUC. Councilmember Purnell stated that he appreciated all the work that the BUC had done, but with all of the complex daily decisions and recommendations that had to be made, this was the only course of action to be taken. Councilmember Brittingham agreed with Councilmember Purnell. Councilmember Hall stated that the BUC was different than the other boards and commissions and had changed from the commission that the Mayor and Council had created 15 years and that it was sad that it had to be disbanded. Councilmember Lynch stated that times have changed and it was not working. Councilmember Burrell made a motion to approve Ordinance 2011-01 to disband the BUC and council voted 4-1 in favor with Councilmember Hall opposed. Councilmember Lynch thanked the current and past members of the BUC who have served our town.

Mayor Williams requested Town Attorney David Gaskill to come forth to explain the legal aspects of the Atlantic Hotel window controversy. Mr. Gaskill summarized the events beginning with the hearing that was held with the Historic Commission in November regarding replacement of the wooden windows with vinyl replacement windows. Mr. Gaskill's advice now as it was then is that the Mayor and Council cannot by Resolution extend a new appeal period to the Atlantic Hotel since the appeal has been withdrawn or waive the one year waiting period required by the code. Mr. Gaskill stated that he was surprised by the withdrawal of the appeal since the Historic District Commission has the right to enforce the decision on its own and seek injunctive relief through the Circuit Court of Worcester County despite the decision of the Mayor and Council. There is another issue in that the application was denied by a 2 to 1 vote, but the code states that no action can be taken without 3 members affirmatively voting. Discussion continued. Mr. Gaskill advised the Mayor and Council to inform the Historic District Commission that if they wish to enforce the decision, then they need to act quickly. Councilmember Brittingham made a motion to have Town Attorney Gaskill proceed with a letter from the Council to ask the Historic District Commission to make a decision. Council voted unanimously in favor 5-0 of the motion.

Mayor Williams spoke of options regarding the use of slot impact grants. Recommendations from the Mayor and Council are needed by April 25<sup>th</sup>. Mayor Williams suggested that the council consider the first \$168,000.00 be earmarked each year for 5 years to pay for the purchased property at Route 113 and Bay Street and that 50% of the balance be used towards economic development and 50% be used for public safety. Monies can also be used towards infrastructure improvements, sanitary, public safety, facilities, economic development and community housing. Councilmember Purnell suggested uses could include sidewalk repairs on North Main and Broad Streets and the Parks Commission study. Councilmember Brittingham suggested that one complete side of sidewalks be completed on Flower Street. Councilmember Hall suggested infrastructure improvements in town and some stormwater management issues. Mayor Williams asked Chief Downing about the increase in traffic and public safety after the casino closes. Chief Downing stated there is an increase of traffic, and that they are working with the State Police and other agencies with back up plans. Mayor Williams requested that Town Administrator Tony Carson work with Finance Director Lynn Musgrave on a formula regarding the impact fees and what could be done relative to Broad Street. Councilmember Brittingham requested that the Community Center idea be kept on a back burner.

Public Works Director Mike Gibbons announced the dates for the Yard Waste Pickup were April 20<sup>th</sup> and 27<sup>th</sup> and that residents should have items out by 6:00 a.m. Mr. Gibbons also stated that the Public Works department had been working to repair snow plow damage and repair of sink and pot holes around town. Councilmember Brittingham inquired about calls he had received regarding trash not being picked up on Franklin Ave and Mr. Gibbons stated that the men had gone back and remedied the situation.

Departmental reports continued with Finance Director Lynn Musgrave reporting that the council would be receiving their financial reports on Tuesday. She announced that the General Fund Budget workshop would be held on April 4<sup>th</sup> and the Enterprise Fund Budget workshop would be held on April 18<sup>th</sup>. She continued her report by explaining online bill payment should be available in the next couple of weeks and that customer service was beginning to set up arrangements for payment plans with those customers who needed assistance. Discussion continued on suggestions for information to be included on the utility bills and on line.

Deputy Town Administrator Mary Bohlen announced she would be attending CDBG training for Block Grant Submission. She announced Clean-Up Day would be held on April 16<sup>th</sup> at Henry Park from 9:00 a.m. to 11:30 a.m. with food and entertainment from 11:30 a.m. to 2:00 p.m.

Water Resources Director Jane Kreiter reported that construction and training at the Treatment Plant were ongoing and that her department would be reading meters this week.

Electric Utility Director Tim Lawrence reported that the Electric and Comcast portion of the Flower Street pole relocation had been completed and that Verizon would be beginning their portion April 4<sup>th</sup> – 11<sup>th</sup>. Once Verizon has completed their portion, concrete replacement of the sidewalks could begin. He continued his report stating that the problem relay at the substation which had caused the outage had been replaced and there will also be relay work done at the Power Plant.

Police Chief Arnold Downing thanked everyone for their support, cards and flowers for the loss of his grandfather. He announced that he had one resignation and anticipated another for April bringing the total of police officers down to 9. Discussion continued regarding retention problems due to salaries. Councilmember Burrell asked if the vacancies shown on the contact list were being filled. Mr. Carson stated that council had requested a hiring freeze last year and the only positions filled were a few dispatchers for the Police Department and a position in Water Resources. Mayor Williams stated that Public Works had scaled down due to a re-organization. Water Resources Director Jane Kreiter stated that vacancies in her department would be filled as soon as the new plant comes on line and new spray site is completed. Discussion continued. Mayor Williams requested that Chief Downing speak with Mr. Carson and Mr. Fleetwood regarding the situation.

Planning and Zoning Director Chuck Ward reported that the Historic District Commission would be meeting on March 30<sup>th</sup>, there would be no Board of Zoning Appeals meeting and the Planning Commission would be meeting on April 13<sup>th</sup> to review some final site plans for Broad Street.

Human Resources Director Jeff Fleetwood reported that he would be attending a Health care workshop on April 6<sup>th</sup>, a liability workshop on April 7<sup>th</sup> and a State Retirement workshop on April 8<sup>th</sup>. Councilmember Lynch inquired if quotes on health care had been received and Mr. Fleetwood stated that he was hoping to receive them next week.

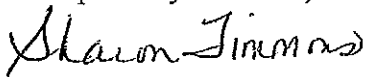
Economic and Community Development Director Michael Day thanked everyone for their support over the last few weeks.

Town Administrator Tony Carson stated that staff had manned the booth at Home and Condo Show and that both he and staff had heard from many visitors how they loved Berlin. He then asked for approval of 4 purchase orders (201101437, 201101450, 201101455 and 201101457). This report will be included as part of the minutes. Public Works Director Mike Gibbons explained the reasons for removal of the utility pole in the middle of the Public Works parking area. Councilmember Burrell made a motion to approve all 4 purchase orders and council voted unanimously to approve 5-0.

Mayor Williams announced that a Special Executive Session would be held at 11:00 a.m. on Tuesday, March 29<sup>th</sup> regarding the new power supply agreement and that hopefully a public announcement would be made tomorrow afternoon.

Mayor Williams asked for comments from the council. There being no comments, Mayor Williams asked for questions from the public and the press. There being none, Councilmember Burrell made a motion to adjourn and the meeting ended at 8:35p.m.

Respectfully submitted,



Sharon Timmons  
Administrative Assistant

# Mayor & Council of Berlin, Maryland

## PROCLAMATION 2011 - 08

### A PROCLAMATION OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN RECOGNIZING APRIL 16, 2011 AS HEALTHCARE DECISIONS DAY

WHEREAS, *Healthcare Decisions Day* is designed to raise public awareness of the need to plan ahead for health care decisions, related to end of life care and medical decision-making whenever patients are unable to speak for themselves and to encourage the specific use of advance directives to communicate these important health care decisions; and

WHEREAS, in Maryland, the Healthcare Decision Act provides the specifics of our advance directives law and offers a model form for patient use; and

WHEREAS, it is estimated that only about 20 percent of people in Maryland have executed an advance directive. Moreover, it is estimated that less than 50 percent of severely or terminally ill patients have an advance directive; and

WHEREAS, it is likely that a significant reason for these low percentages is that there is both a lack of knowledge and considerable confusion in the public about Advance Directives; and

WHEREAS, one of the principal goals of *Healthcare Decisions Day* is to encourage hospitals, nursing homes, assisted living facilities, continuing care retirement communities, and hospices to participate in a State-wide effort to provide clear and consistent information to the public about advance directives, as well as to encourage medical professionals and lawyers to volunteer their time and efforts to improve public knowledge and increase the number of citizens with advance directives; and

WHEREAS, Coastal Hospice & Palliative Care and other organizations throughout Maryland have endorsed this event and are committed to educating the public about the importance of discussing health care choices and executing advance directives; and

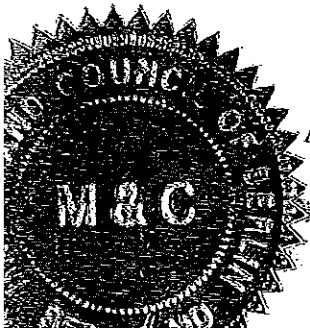
WHEREAS, as a result of April 16, 2011, being recognized as *Healthcare Decisions Day* in Berlin, MD, more citizens will have conversations about their health care decisions; more citizens will execute Advance Directives to make their wishes known; and fewer families and health care providers will have to struggle with making difficult health care decisions in the absence of guidance from the patient;

NOW, THEREFORE, I, Wm. Gee Williams, III, Mayor, do hereby recognize April 16, 2011, as **HEALTHCARE DECISIONS DAY** in Berlin, MD, and call this observance to the attention of all our citizens.

W. G. Williams, III  
Wm. Gee Williams, III, Mayor

Attest:

Anthony J. Carson  
Anthony J. Carson, Jr, Town Administrator



**TOWN ADMINISTRATOR'S REPORT**  
**4-11-11**

**Purchase Orders**

PO# 201101488 in the amount of \$1,375.00 to Stuart C. Irby for 1000 feet of Triplex Wire.

PO# 201101489 in the amount of \$10,731.50 to Industrial Machining and Design Services for Synchronization and Installation of Control System to Engine #5 at Power Plant.

PO# 201101538 in the amount of \$1,201.20 to Intercoatal Trading for hypochlorite solution for Spray Site.

PO# 201101568 in the amount of \$2,220.85 to Workrite for uniform pants for Electric and Power Plant departments.

PO# 201101584 in the amount of \$1,619.50 to Critical Power Consultants for labor and travel for repair of substation relay.

PO# 201101583 in the amount of \$4,851.00 to Taylor Oil Company for oil lube for engines at Power Plant.

PO# 201101588 in the amount of \$1,925.00 to Mark Powell to paint the pole trailer used by the Line Crew.

PO# 201101586 in the amount of \$2,200.00 to Capital Tristate for quantity of 2 Victorian Street Lights.

PO# 201101154 in the amount of \$1,079.84 to the Daily Times for advertisement for bids for Transfer Piping (3 times required by USDA)

PO# 201101155 in the amount of \$1,079.84 to the Daily Times for advertisement for bids for New Spray site addition (3 times required by USDA)

**Updates**